

# HOUSE . . . . . No. 58

By Mr. Koczera of New Bedford, petition of Richard T. Moore and others for legislation to increase voter participation through studying the feasibility of alternative or replacement voting methods for elective offices in the Commonwealth. Election Laws.

## The Commonwealth of Massachusetts

### PETITION OF:

Richard T. Moore  
Bruce E. Tarr  
Byron Rushing

Patricia A. Haddad  
Alice Hanlon Peisch

In the Year Two Thousand and Five.

AN ACT INCREASING VOTER PARTICIPATION THROUGH STUDYING THE FEASIBILITY OF ALTERNATIVE OR REPLACEMENT VOTING METHODS FOR ELECTIVE OFFICES IN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1     SECTION 1. The state secretary shall study the feasibility of  
2     voting for all elections covered under general law chapter 54 by  
3     means of voting by mail, internet voting or a computer network  
4     voting system. The issues to be addressed in such study include  
5     but are not limited to: (a) a comprehensive survey of voter prefer-  
6     ence for any such system; (b) ensuring security, reliability and pri-  
7     vacy of any such voting processes; (c) authentication of voter  
8     identity; (d) achievement of broad and equitable access to such  
9     voting systems; (e) implementation costs and economic benefits  
10    of each such alternative; and (f) legal impediments, if any, and  
11    possible amendments to the general laws necessary for the imple-  
12    mentation of such voting methods. Such feasibility study shall  
13    include a demonstration program of twenty voting sites conducted  
14    by the secretary of state's office done by voluntary mail-in voting  
15    to be held in at least twenty municipal test sites thought the com-  
16    monwealth in coordination with such towns. No later than Jan-

17 uary 15, 2004, the state secretary shall file an interim report with  
18 the chairs of the joint committee on elections on the procedures  
19 and progress of the twenty voluntary town elections conducted by  
20 mail in the limited voluntary demonstration program. No later  
21 than June 30, 2004, the state secretary shall file a report to the  
22 chairs of the joint committee on elections on the result of the fea-  
23 sibility study for alternative methods of casting ballots by means  
24 of vote by mail, internet voting or a computer network voting  
25 system and the results of the limited voluntary demonstration  
26 twenty town elections.

1 SECTION 2. The General Laws are hereby amended by  
2 inserting after chapter 54 the following chapter:—

3 **Chapter 54B.**

4 **TWENTY TOWN ELECTIONS TO BE CONDUCTED BY**  
5 **MAIL IN A LIMITED VOLUNTARY**  
6 **DEMONSTRATION PROGRAM.**

7 Section 1. Vote by Mail in Selected General Municipal Elec-  
8 tions. Notwithstanding the provisions of general law chapter 54,  
9 the state secretary shall by regulation prescribe a method for  
10 choosing twenty town elections to be conducted by voluntary bal-  
11 loting to be conducted by a voluntary vote by mail demonstration  
12 in twenty separate towns in the commonwealth, under supervision  
13 of the state secretary and at polling places for the next town elec-  
14 tion following the effective date of this act. This voluntary vote  
15 by mailing balloting shall provide voters with a choice of bal-  
16 loting under current general laws or balloting by vote by mail in  
17 accordance with this act. The state secretary shall also prescribe  
18 by regulation a method for the selection of voluntary participants  
19 in the twenty vote by mail balloting in each voluntary town. No  
20 later than November 1, 2004 the state secretary shall adopt rules  
21 to provide for the selection and conduct of town elections in the  
22 twenty voluntary towns by mail in the spring town elections of the  
23 2005 and to achieve and maintain the maximum degree of accu-  
24 racy, impartially and efficiency on the procedures of voting and of  
25 counting, tabulating and recording votes by mail in accordance  
26 with this act.

27 Section 2. Procedures for conduction election by mail. The  
28 stat secretary, by regulation, shall establish requirements and cri-  
29 teria for the designation of places of deposit for the voluntary vote  
30 by mail ballots cast in the town election. The places designated  
31 under this section shall be open on the date of the election for a  
32 period of time as determined by the voluntary town participating  
33 in such vote by mail demonstration.

34 The clerk of the city or town shall mail by nonforwardable mail  
35 an official vote by mail ballot with a return identification enve-  
36 lope and a secrecy envelope not sooner than the 14th day before  
37 the date of the town election conducted by mail and not later than  
38 the 10th day before the date of the town election, to each regis-  
39 tered voter of the town as of the 20th day before the date of the  
40 town election. If the clerk of the city or town determines that a  
41 registered voter of the electoral district as of the 20th day before  
42 the date of the election does not receive daily mail service from  
43 the United States Postal Service, the clerk of the city or town shall  
44 mail the nonforwardable mail an official ballot with a return iden-  
45 tification envelope and a secrecy envelope to the elector not  
46 sooner than the 19th day before the date of an election conducted  
47 by mail and not later than the 14th day before the date of the elec-  
48 tion. If the final day for mailing such ballots falls on a Sunday or  
49 holiday the receding day shall be the final day for mailing. The  
50 state secretary shall specify the date on which all ballots shall be  
51 mailed for any town election conducted by mail under this act.

52 Upon receipt of the ballot the voter shall mark it, sign the return  
53 identification envelope supplied with the ballot and comply with  
54 the instructions provided with the ballot. The voter may return  
55 the market ballot to the clerk of the city or town by United States  
56 mail or by depositing the ballot at the office of the clerk of the  
57 city or town. A voter may obtain a replacement ballot if the ballot  
58 is destroyed, spoiled, lost or not received by the voter. The clerk  
59 of the city or town shall keep a record of each replacement ballot  
60 provided under this subsection.